

Remarks

The Office Action mailed March 29, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-33 are pending in this application. Claims 1-11 stand rejected. Claims 12-33 have been allowed.

Applicants and the undersigned wish to express their appreciation to the Examiner for the courtesies he extended during a telephone interview that occurred on April 12, 2004. During the interview, the Office Action dated March 29, 2004 was discussed. More specifically, during the telephone interview, the Examiner and the undersigned discussed the Section 101 rejection, and the Examiner suggested certain changes to Claim 1 to overcome the Section 101 rejection. The present Amendment includes the changes suggested by the Examiner to Claim 1 including a “computer-implemented method” and “said method implemented using the computer to perform the steps of”. Accordingly, Applicants respectfully submit that the present patent application is in condition for allowance.

The rejection of Claims 1-11 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action suggests at page 2 that “Claims 1-11 do not recite any structure or functionality to suggest that a computer performs the recited claims...Thus, Claims 1-11 are rejected as being directed to non-statutory subject matter.” Applicants respectfully traverse this suggestion. However, Applicants have amended Claim 1.

More specifically, Applicants submit that the claims of the present patent application are directed to practical applications in the technological arts. “Any sequence of operational steps can constitute a process within the meaning of the Patent Act so long as it is part of the technological arts.” *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970). For example, independent Claim 1 is a computer-implemented method directed to inferring valuations of credit scores onto assets in portfolios. Applicants submit that inferring valuations of credit scores onto assets in portfolios is a useful process that is considered to be within “the technological arts”.

Applicants further traverse the assertion included in the Office Action that Claims 1-11 are directed to non-statutory subject matter under Section 101 in light of the “Examination Guidelines for Computer-Related Inventions”.

The Examination Guidelines for Computer-Related Inventions provides in relevant part as follows:

In order to determine whether the claim is limited to a practical application of an abstract idea, Office personnel must analyze the claim as a whole, in light of the specification, to understand what subject matter is being manipulated and how it is being manipulated. During this procedure, Office personnel must evaluate any statements of intended use or field of use, any data gathering step and any post-manipulation activity....Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under § 101. Further, when such a rejection is made, Office personnel must expressly state how the language of the claims has been interpreted to support the rejection.

Applicants respectfully submit that Claim 1 is limited to a practical application in the technological arts. Furthermore, Applicants respectfully submit that the Office Action does not expressly state how the language of Claim 1 supports the Section 101 rejection.

Claim 1 has been amended. Claim 1 recites a “computer-implemented method for inferring valuations of credit scores onto assets in portfolios”. Thus, Applicants submit that Claim 1 is directed to a useful process that is considered to be within “the technological arts”. Furthermore, the method is implemented using the computer to perform the steps of “organizing valuation scores...adjusting valuation scores based on special factors and business decisions...reconciling multiple valuation scores which describe the same assets...and making an overall adjustment to override the inferred valuation.” Claim 1 is therefore directed to a practical application in the technological arts, and is direct to statutory subject matter.

Dependent Claims 2-11 depend from independent Claim 1, and these dependent Claims are submitted to satisfy the requirements of Section 101 for the same reasons set forth above with respect to independent Claim 1.

For at least the reasons set forth above, Applicants respectfully request that the Section 101 rejection of Claims 1-11 be withdrawn.

Claims 12-33 have been allowed.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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